

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOSEPH ANDERSON,

Petitioner,

v.

CASE NO. 12-11735
HONORABLE DENISE PAGE HOOD

CARMEN PALMER,

Respondent.

ORDER DENYING PETITIONER'S MOTION
TO GRANT HIS HABEAS CORPUS PETITION

Petitioner Joseph Anderson has filed a *pro se* habeas corpus petition challenging his Oakland County conviction and sentence of twelve to forty years for armed robbery. Petitioner filed his habeas petition on April 18, 2012, and on April 27, 2012, the magistrate judge ordered respondent Carmen Palmer to file a responsive pleading by October 29, 2012. Currently pending before the Court is Petitioner's motion to grant his habeas petition on the ground that Respondent failed to file a timely answer to the habeas petition.

The record indicates that Respondent complied with the magistrate judge's order by timely filing her answer to the habeas petition on October 29, 2012. Respondent is not in default, and even if she were, Petitioner would not be entitled to a default judgment or immediate release from prison on the basis of an untimely answer to his habeas petition. *Allen v. Perini*, 424 F.2d 134, 138 (6th Cir. 1970). The Court therefore **DENIES** Petitioner's motion to grant his habeas petition [Doc. # 8, filed Nov. 15, 2012].

S/Denise Page Hood
United States District Judge

Dated: May 9, 2013

I hereby certify that a copy of the foregoing document was served upon counsel of record on May 9, 2013, by electronic and/or ordinary mail.

S/LaShawn R. Saulsberry

Case Manager